

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 1:23-cv-00108-LMB-JFA

**[PROPOSED] ORDER GRANTING NON-PARTIES
WAKEMAKER GLOBAL LLC, GROUPM WORLDWIDE, LLC,
VML, LLC, AND YOUNG & RUBICAM LLC’S
MOTION TO SEAL DOCUMENTS FILED IN CONNECTION WITH THE NON-
PARTIES’ OBJECTIONS TO THE PUBLIC USE AT TRIAL OF
CONFIDENTIAL AND HIGHLY CONFIDENTIAL DOCUMENTS AND TESTIMONY**

Before the Court is the Motion to Seal of non-parties Wavemaker Global LLC, GroupM Worldwide, LLC, VML, LLC, and Young & Rubicam LLC (together the “Non-Parties”) filed on July 29, 2024 (“Motion”).

The 11 highly confidential and confidential documents that are the subject of the Motion contain highly confidential pricing and strategy information that would be of significant value to the Non-Parties’ competitors and would enable such competitors to gain insight into the Non-Parties’ proprietary business practices as well as information that the Department of Justice seeks to seal on behalf of the Federal Agency Advertisers (“FAAs”). Collectively, these documents (the “Trial Materials”) contain information that was supplied to the Department of Justice by the Non-Parties’ clients, the United States Census Bureau and United States Navy, which respectively designated and produced these documents as Confidential and Highly Confidential.

To date, no party or non-party has objected to such designations, and the Trial Materials are filed under seal and protected from public disclosure. Public disclosure of the unredacted Trial Materials will place the Non-Parties and the FAAs at a disadvantage with respect to their existing and potential competitors and customers, which would gain access to strategy, pricing, staffing, and contractual information. The Court therefore finds that it is appropriate to enter an order permanently sealing or requiring the redaction of the Trial Materials.

In the Fourth Circuit, “before a district court may seal any court documents, ... it must (1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives.” *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000).

The Court finds that: (i) sufficient notice to seal was given in the Non-Parties’ Seal Motion (ECF No. ____), the Non-Parties’ Objections (ECF No. 1039), and the Plaintiff’s Motion to Seal (ECF No. 1050); (ii) the Trial Materials contain the Non-Parties’ and the FAAs’ confidential and proprietary information; (iii) only sealing and/or accepting the proposed limited redactions will protect the Non-Parties and the FAAs from competitive harm; (iv) there are no less drastic alternatives to sealing and/or the proposed limited redactions; and (v) the public’s right of access, whether based on the common law right of access, or the First Amendment right of access, has been overcome. For the foregoing reasons, and pursuant to Local Civil Rule 5 and for good cause shown, it is hereby

ORDERED, that the relief requested in the Non-Parties’ Motion to Seal (ECF No. ____)

and in their Objections (ECF No. 1039) is GRANTED; and it is

FURTHER ORDERED that the Trial Materials filed as Exhibits with ECF No. 1039 and also filed as Exhibits with the Plaintiff's Motion to Seal in ECF No. 1050, as shown in the following table, shall remain permanently under seal until further order of the Court.

DTX No.	Non-Parties' Objection ECF No.	Governments' Seal Motion ECF No.
1069	1039-8	1050-4
0625	1039-2	1050-1
1090	1039-10	1050-7
1088	1039-9	1050-6
1081	1039-8	1050-5
1174	1039-13	1050-11
1369	1039-17	1050-23
1298	1039-14	1050-17
1392	1039-19	1050-25
1391	1039-18	1050-24
1094	1039-11	1050-8
1326	1039-16	1050-18

Dated: _____, 2024

Leonie M. Brinkema
United States District Judge